

**REMARKS**

In the final Office Action, the Examiner rejected claims 1-7, 13, and 15-18 under 35 U.S.C. § 103(a) as unpatentable over Bolosky et al. (U.S. Patent No. 5,991,804) in view of Staveley et al. (U.S. Patent No. 6,973,491); rejected claims 8 and 9 under 35 U.S.C. § 103(a) as unpatentable over Bolosky et al. in view of Staveley et al. and Frey et al. (U.S. Patent No. 6,725,392); and rejected claims 10 and 11 under 35 U.S.C. § 103(a) as unpatentable over Bolosky et al. in view of Staveley et al. and Jacobs et al. (U.S. Patent Application Publication No. 2003/0023898).

Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103. Claims 1-11, 13, and 15-18 remain pending.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON BOLOSKY ET AL. AND STAVELEY ET AL.*

In paragraph 4 of the final Office Action, the Examiner rejected claims 1-7, 13, and 15-18 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bolosky et al. in view of Staveley et al. Applicants traverse the rejection.

Independent claim 1, for example, is directed to a file system that comprises a plurality of servers configured to store data; and a master connected to the servers and configured to communicate with the servers upon startup of the master to identify the data stored by the servers, record, in a non-persistent manner, location information that identifies ones of the servers that store the data, and periodically instruct, after recording the location information, the servers to provide information regarding the data stored by the servers.

Neither Bolosky et al. nor Staveley et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example,

Bolosky et al. and Staveley et al. do not disclose or suggest a master that is configured to record, in a non-persistent manner, location information that identifies ones of the servers that store the data. The Examiner admitted that Bolosky et al. does not disclose or suggest this feature, but alleged that Staveley et al. discloses this feature and cited column 11, lines 5-8, of Staveley et al. for support (final Office Action, pages 3-4). Applicants submit that disclosure of Staveley et al. does not support the Examiner's allegation.

At column 11, lines 5-8, Staveley et al. discloses:

As discussed briefly above, before data is actually input into the database, the data load programs convert the data from data files into staging tables, where the data is stored temporarily.

In this section, Staveley et al. discloses converting data into staging tables prior to loading the data into a database. The Examiner alleged that these staging tables correspond to non-persistent location information (final Office Action, pages 4 and 16). While Staveley et al. discloses that the data is temporarily stored in staging tables, Staveley et al. does not disclose or suggest that master machine 20 (which the Examiner equated to the master recited in claim 1) stores the data in the staging tables. Instead, quite to the contrary, Staveley et al. discloses that the data is stored in the staging tables by data loading module 44 at central site 14 (col. 10, line 34 - col. 11, line 12). Staveley et al. specifically discloses that master machine 20 is located at client site 12 and not at central site 14 (see, e.g., Figure 1). Thus, Staveley et al. does not disclose or suggest a master that is configured to record, in a non-persistent manner, location information that identifies ones of the servers that store the data, as required by claim 1.

Staveley et al. also discloses a pre-defined storage location 36 within master machine 20 (Figure 2). Staveley et al. discloses that the configuration data for each target device is stored in

pre-defined storage location 36 before the configuration data is uploaded to web server 22 (col. 4, lines 28-42). Nowhere, does Staveley et al. disclose or suggest, however, that the configuration data is stored in a non-persistent manner. Thus, Staveley et al. does not disclose or suggest a master that is configured to record, in a non-persistent manner, location information that identifies ones of the servers that store the data, as required by claim 1.

Bolosky et al. and Staveley et al. also do not disclose or suggest a master that is configured to periodically instruct, after recording the location information, the servers to provide information regarding the data stored by the servers, as further recited in claim 1. The Examiner admitted that Bolosky et al. does not disclose or suggest this feature, but alleged that Staveley et al. discloses this feature and cited column 2, lines 50-58, and column 6, lines 17-50, of Staveley et al. for support (final Office Action, pages 3-4). Applicants submit that the disclosure of Staveley et al. does not support the Examiner's allegations.

At column 2, lines 50-58, Staveley et al. discloses:

The present invention, is used to examine configurations of both software and hardware, as well as the system health of all or many of the systems and devices in a network. The system of the present invention probes some or all of the devices connected to the network and generates a system inventory report of each device, describing their configurations, which may include operating system information, disk information, graphic card information, network information, software application information, or the like.

In this section, Staveley et al. discloses that the system probes some or all devices connected to the network and generates a system inventory report of each device. Staveley et al. specifically discloses that this "probing" is done to get a complete list of host names or IP addresses of target machines 18 (col. 8, lines 18-25), not to periodically instruct, after recording the location information, the servers to provide information regarding the data stored by the servers, as

required by claim 1.

At column 6, lines 17-50, Staveley et al. discloses the types of data collectors that may be used at target devices 18 to collect data about those devices (see, also, col. 5, lines 42-44).

Staveley et al. specifically discloses that the data collectors run on target devices 18 to obtain information and data about those devices and transmit the information and data back to master machine 20 (col. 5, lines 54-58). Staveley et al. does not disclose or suggest that master machine 20 is configured to periodically instruct, after recording the location information, the target machines 18 (which the Examiner equated to the servers recited in claim 1) to provide information regarding the data stored by the target machines 18, as would be required by claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Bolosky et al. and Staveley et al., whether taken alone or in any reasonable combination. Claims 2-7 depend from claim 1 and are, therefore, patentable over Bolosky et al. and Staveley et al. for at least the reasons given with regard to claim 1.

Independent claims 13, 15, and 16 recite features similar to, yet possibly different in scope from, features recited in claim 1. Claims 13, 15, and 16 are, therefore, patentable over Bolosky et al. and Staveley et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1.

Independent claim 17 is directed to a file system that comprises a plurality of servers configured to store data, and a master connected to the servers. The master is configured to communicate with the servers to determine location information of the data, the location information being based on which of the servers store the data, store the location information in

a non-persistent manner, instruct one of the servers to perform an action concerning the data, the action causing a change in the location information, and update the location information based on the change to the location information upon completion of the action.

Bolosky et al. and Staveley et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 17. For example, Bolosky et al. and Staveley et al. do not disclose or suggest a master that is configured to store location information, regarding which of the servers store the data, in a non-persistent manner, for at least reasons similar to reasons given with regard to claim 1.

Bolosky et al. and Staveley et al. also do not disclose or suggest a master that is configured to instruct one of the servers to perform an action concerning the data, the action causing a change in the location information, as further recited in claim 17.

The Examiner admitted that Bolosky et al. does not disclose this feature, but alleged that Staveley et al. discloses this feature and cited column 2, lines 50-58, of Staveley et al. for support (final Office Action, page 11). Applicants submit that the disclosure of Staveley et al. does not support the Examiner's allegation.

Column 2, lines 50-58, of Staveley et al. is reproduced above. In this section, Staveley et al. discloses that the system probes some or all devices connected to the network and generates a system inventory report of each device. Staveley et al. specifically discloses that this "probing" is done to get a complete list of host names or IP addresses of target machines 18 (col. 8, lines 18-25). Nowhere in this section, or elsewhere, does Staveley et al. disclose or remotely suggest a master that is configured to instruct one of the servers to perform an action concerning the data, where the action causes a change in the location information, as required by claim 17.

For at least these reasons, Applicants submit that claim 17 is patentable over Bolosky et al. and Staveley et al., whether taken alone or in any reasonable combination.

Independent claim 18 recites features similar to, yet possibly different in scope from, features recited in claim 17. Claim 18 is, therefore, patentable over Bolosky et al. and Staveley et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 17.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-7, 13, and 15-18 under 35 U.S.C. § 103 based on Bolosky et al. and Staveley et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON  
BOLOSKY ET AL., STAVELEY ET AL., AND FREY ET AL.*

In paragraph 5 of the final Office Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bolosky et al. in view of Staveley et al. and Frey et al. Applicants traverse the rejection.

Claims 8 and 9 ultimately depend from claim 1. Without acquiescing in the Examiner's rejection with regard to claims 8 and 9, Applicants respectfully submit that the disclosure of Frey et al. does not cure the deficiencies in the disclosures of Bolosky et al. and Staveley et al. identified above with regard to claim 1. Therefore, claims 8 and 9 are patentable over Bolosky et al., Staveley et al., and Frey et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. § 103 based on Bolosky et al., Staveley et al., and

Frey et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON  
BOLOSKY ET AL., STAVELEY ET AL., AND JACOBS ET AL.*

In paragraph 6 of the final Office Action, the Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bolosky et al. in view of Staveley et al. and Jacobs et al. Applicants respectfully traverse the rejection.

Claims 10 and 11 ultimately depend from claim 1. Without acquiescing in the Examiner's rejection with regard to claims 10 and 11, Applicants respectfully submit that the disclosure of Jacobs et al. does not cure the deficiencies in the disclosures of Bolosky et al. and Staveley et al. identified above with regard to claim 1. Therefore, claims 10 and 11 are patentable over Bolosky et al., Staveley et al., and Jacobs et al. for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. § 103 based on Bolosky et al., Staveley et al., and Jacobs et al.

*CONCLUSION*

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-11, 13, and 15-18.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a

reference constitutes prior art, motivation to combine references, assertions regarding dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute these assertions/requirements in the future.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, LLP

By: /Paul A. Harrity/  
Paul A. Harrity  
Reg. No. 39,574

Date: June 28, 2007  
11350 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800